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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DISTRICT**

ESTATE OF PATRICK HARMON SR.;
PATRICK HARMON II, as Personal
Representative of the Estate of Patrick
Harmon Sr., and heir of Patrick Harmon
Sr.,
TASHA SMITH, as heir of Patrick Harmon
Sr.,

Plaintiffs,

v.

SALT LAKE CITY, a municipality; and
OFFICER CLINTON FOX, in his
individual capacity,

Defendants.

**UNOPPOSED MOTION FOR
EXTENSION OF TIME FOR PARITES
TO EXCHANGE EXPERT
DISCLOSURES**

Case No. 19-cv-00553-HCN-CMR

Judge Howard C. Nielson, Jr.

Magistrate Judge Cecilia M. Romero

Plaintiffs Estate of Patrick Harmon Sr., Patrick Harmon II, and Tasha Smith (together, “Plaintiffs”) hereby move the Court to extend the time for both Plaintiffs and Defendants to exchange their expert disclosures under Fed. R. Civ. P. 26. As grounds for this Motion for Extension of Time, Plaintiffs state as follows:

CONFERRAL

Undersigned counsel has conferred with counsel for Defendants, who states that they do not oppose the requested relief.

MOTION FOR EXTENSION OF TIME

1. The current deadline for Plaintiffs to disclose the subject(s) of expert testimony and the identity of their experts is January 2, 2023. *See* ECF No. 71 at 3, ¶ 4(a) (disclosures). The current deadline for Defendants to make their counter disclosures is February 27, 2023. *Id.*

2. The current deadline for Plaintiffs to disclose their affirmative expert reports is January 16, 2023. *See id.* at ¶ 4 (a) (reports). The current deadline for Defendants to make their counter-report disclosures is March 13, 2023. *Id.*

3. The Court may grant an extension of time before a deadline has expired for good cause. Fed. R. Civ. P. 6(b)(1)(A).

4. Just prior to the filing of the instant motion, both parties’ have been engaged in extensive briefing in relation to Defendants’ Motion for Summary Judgment, ECF No. 66, and also continue to engage in exchanging the final written discovery responses and disputes that attend those requests and responses.

5. Indeed, on August 26, 2022, Defendants filed a Motion for Summary Judgement. *See* ECF No. 66.

6. Plaintiffs responded to Defendants' Motion for Summary Judgment on October 27, 2022. *See* ECF No. 79.

7. Defendants replied to Plaintiffs' Response on December 9, 2022, *see* ECF No. 90, and the Motion for Summary Judgment became fully briefed.

8. Plaintiffs issued their responses to Defendant Salt Lake City's discovery requests on November 30, 2022.

9. During the same period, the parties concluded depositions and largely concluded fact discovery in the underlying case.

10. Throughout the extensive litigation of the past months, undersigned counsel and his co-counsel have been subject to concurrent and overlapping deadlines in other litigation matters including *Mary Ann Moreno v. Circle K Stores, Inc.*, District of Colorado Case No. 22-cv-02327, and *Michael Jacobs v. Eric Leon, et al.*, Colorado State Court Case No. 2021-cv-33187, as well as several other pre-litigation matters.

11. Counsel for Plaintiffs Corey D. Riley was travelling out of the country from November 23, 2023, through December 2, 2023.

12. Mr. Riley additionally served as lead counsel in *United States v. Matthew A. Baker*, 20-cr-301-DBB (D. UT 2022) which, after weeks of pre-trial motions practice, culminated in a four-day jury trial that concluded on December 16, 2023.

13. Just prior to the jury trial in *United States v. Baker*, Mr. Riley also handled numerous deadlines and preliminary injunction proceedings before this Court in *Stepstone Connect v. Toone*, 22-cv-143 (D. UT 2022).

14. Counsel for Plaintiffs Qusair Mohamedbhai is currently travelling out of the county and is not scheduled to return until after Plaintiffs' nearest expert disclosure deadline of January 2, 2023 has passed.

15. The federal holidays and attendant scheduling matters have impacted and complicated the many deadlines discussed herein.

16. The federal holidays and attendant scheduling matters have made prompt communication between counsel, to-be-disclosed experts, and other necessary parties difficult and problematic.

17. Due to the confluence of the factors discussed above, it will not be possible for Plaintiffs to meet their expert disclosure deadlines as currently set in the Second Amended Scheduling Order, ECF No. 71.

18. As such, Plaintiffs respectfully request that the court extend the expert deadlines as currently set in the Second Amended Scheduling Order by a period of twenty-one (21) days.

19. Fact discovery in this case has closed. *See* ECF. No. 71 at 2, ¶ 2 (j).

20. If Plaintiffs' request is granted, expert discovery in this case will conclude on April 17, 2023. *See* ECF. No. 71 at 3, ¶ 5 (a).

21. Because this case is not currently set for trial, this extension will not affect any other deadlines currently prescribed by the Second Amended Scheduling Order. *See generally* ECF No. 71.

22. Because this Motion is unopposed, neither party will be prejudiced if the relief sought herein is granted.

23. Based on the foregoing, undersigned counsel requests an extension of the current expert disclosure deadlines of twenty-one (21) days, resulting the following extended deadlines:

Disclosures:

Part(ies) bearing burden of proof: January 23, 2023

Counter disclosures: March 20, 2023

Reports:

Part(ies) bearing burden of proof: February 6, 2023

Counter reports: April 3, 2023

Respectfully submitted this 23rd day of December 2022.

RATHOD MOHAMEDBHAI LLC

s/ Nicholas A. Lutz
Nicholas A. Lutz

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December 2022, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME FOR PARITES TO EXCHANGE EXPERT DISCLOSURES** was served via the Courts CM/ECF system on all attorneys of record.

s/ Nicholas A. Lutz